

Filed: September 19, 2005
Staff: Trever Parker
Staff Report: July 11, 2006
Hearing Date: July 19, 2006
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2005-10

APPLICANT (S): City of Trinidad

AGENT: N/A

PROJECT LOCATION: Bluff below the intersection of Edwards Street and upper Van Wycke Street; public right-of-way and APN: 042-091-05; Trinidad, CA 95570

PROJECT DESCRIPTION: Conditional Use Permit and Coastal Development Permit for work already completed under an emergency Coastal Development Permit issued September 9, 2005 to repair and stabilize the slide that occurred below the intersection of Edwards Street and upper Van Wycke Street last summer.

ASSESSOR'S PARCEL NUMBER: City right-of-way; 042-091-05

ZONING: OS – Open Space; none w/in r-o-w

GENERAL PLAN DESIGNATION: OS – Open Space; none w/in r-o-w

ENVIRONMENTAL REVIEW: Statutorily Exempt from CEQA per §15269 of the CEQA Guidelines exempting certain emergency repairs.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project X is ~~is not~~ appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The project location is on the bluff below the intersection of Edwards and upper Van Wycke Streets. It is approximately 300 feet west of the Memorial Lighthouse. The slide occurred along a southeast facing slope near the top of the bluff overlooking Trinidad Bay and above the Tsurai Study Area. The slide originates approximately 5 ft from the south edge of Van Wycke Street. The toe of the slide is approximately 100 ft downslope. The slide is approximately 20 ft wide near the head, and widens to about 30 ft near the tow. Liquefied debris continued to slide below the toe, eventually discharging onto the beach and into the Bay.

STAFF COMMENTS:

This slide occurred on June 14, 2005 immediately following the flushing of a water hydrant located near the head of the slide, and after an unusually wet spring. It was determined that overly saturated soils resulted in the slide occurring. In early August, a geologist from Blackburn Consulting representing the City visited the site and conducted a limited investigation. The recommendation was made to construct a Hilfiker Retaining Wall to stabilize the slide, and it was strongly urged to complete the work prior to commencement of the winter rainy season to prevent further erosion. A geologist from LACO Associates representing the Tsurai Ancestral Society also reviewed the site and concurred with Blackburn's recommendations.

At their meeting of August 23, 2005, the City Council officially declared the slide an "emergency situation." This designation was based on the professional recommendation of City Engineer, Steve McHaney, along with the consulting geologists, that the slide needed to be stabilized prior to the wet season in order to avoid further slippage and damage to the bluff and roadways. The City Engineer then requested an emergency Coastal Development Permit from the Planning Department in order to complete the work in a timely manner. The emergency permit was granted on September 9, 2005, and the work was subsequently completed. Because of scheduling conflicts and other projects and obligations, the full permit is now being heard. In response to a recent inquiry, the City Engineer commented that the site looks good after the very wet winter, and did not recommend any further action at this time.

ZONING ORDINANCE/GENERAL PLAN CONSISTANCY:

Zoning Ordinance §17.72.080 allows emergency Coastal Development Permits to be issued *"to prevent loss or damage to life, health or property, or to restore, repair or maintain public works, utilities and services during and immediately following a natural disaster or serious accident."* Subsection 'C' requires certain information to be submitted, which the City Engineer provided to planning staff. The emergency Coastal Development Permit was issued on September 9, 2005. Consistent with subsection 'E', authorized work was limited to that necessary to protect the bluff and the roadways. As required by subsection 'D', the City submitted a formal application for a Coastal Development Permit,

and Conditional Use Permit because of the Open Space zoning of the bluff, on September 15, 2005.

The Hilfiker wall falls under the City's, and the Coastal Act's, definition of development, requiring a Coastal Development Permit. The street rights-of-way do not have any zoning associated with them, but the bluff below Edwards and Van Wycke Streets is zoned Open Space (OS). Section 17.16.030 permits certain uses in the OS zone with a use permit, including pedestrian trails, vista points and improvements to existing facilities.

Sections regulating lot size, density, building height and similar aspects are not applicable to this project. Projects within the OS Zone are also subject to certain regulations of the Special Environment (SE) Zone. Section 17.20.080 sets forth requirements for structures on ocean bluffs. The design of the structure was reviewed and approved by the City Engineer, as required by this section. Structures on bluffs are not allowed to: *"reduce or restrict public beach access, adversely affect shoreline processes and sand supply, increase erosion on adjacent properties, or cause harmful impacts on wildlife and fish habitat."* The constructed wall is consistent with these requirements. Section 17.20.110 sets forth standards for development within the Tsurai Study Area, which requires that development be sited and designed with mitigation measures as appropriate to minimize adverse impacts to cultural resources. The purpose of this project was to stabilize and protect the bluff, which in turn will help protect any cultural resources below. As stated above, the Tsurai Ancestral Society (TAS) retained their own geologist, who recommended the Hilfiker wall as constructed, and the TAS supported the project as constructed in a letter dated August 22, 2005; a cultural monitor was onsite during construction as requested by the TAS. A geotechnical evaluation was completed for this project consistent with §17.20.130.

General Plan protections for unstable slopes and cultural resources are implemented through Zoning Ordinance provisions as discussed below. Although the State Historic Preservation Office was not contacted in regards to this project as required by General Plan Policy 69 and Zoning Ordinance §17.20.110, because of the emergency nature of the repair, it was not feasible to do so. The purpose of the project was to stabilize and protect the bluff, thereby protecting the Tsurai Study Area. Further, the TAS, with their locally specific knowledge is the most appropriate entity to make recommendations for this type of project.

SLOPE STABILITY

The property where the proposed project is located is within an area designated as unstable and questionably stable based on Plate 3 of the Trinidad General Plan. Stability issues were addressed by the Geotechnical evaluations prepared and in the design of the project.

SEWAGE DISPOSAL

There is no sewage disposal associated with this project.

USE PERMIT FINDINGS:

Section 17.72.040 requires written findings to be adopted in approval of a use permit. The following findings can be made based on the responses provided:

- A. The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community. *Response: The Hilfiker wall provides a development that is necessary to stabilize and protect the bluff and the roadways above.*
- B. Such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:
 - 1. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures; *Response: The purpose of the project is to protect the site and as a result, protect public health and safety.*
 - 2. The accessibility of the traffic pattern for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading; *Response: Part of the purpose of this project is to protect existing roadways; the project will not affect traffic patterns.*
 - 3. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor; *Response: The wall, once constructed, will produce no emissions.*
 - 4. Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs; *Response: The Hilfiker wall is not readily visible; other aspects listed here are not applicable.*
- C. That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Trinidad coastal program. *Response: As described above in "Zoning Ordinance/General Plan Consistency," the proposed project can be found to be consistent with both the Zoning Ordinance and General Plan, and will carry out policies consistent with the Trinidad Coastal Program.*
- D. That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would

substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment. *Response: The proposed project is designed to protect the environment by stabilizing the bluff. The least intrusive method was chosen, and appropriate mitigation measures were included. In addition, the project is statutorily exempt from CEQA per §15269 of the CEQA Guidelines exempting certain emergency repairs.*

E. When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:

1. The development provides adequate physical access or public or private commercial use and does not interfere with such uses; *Response: The project is not within an area that is accessible to the public; and will not affect existing public access to the shoreline in other locations.*
2. The development adequately protects public views from any public road or from a recreational area to, and along, the coast; *Response: The Hilfiker wall is below the general field of vision and is not readily visible; it will not block any public views.*
3. The development is compatible with the established physical scale of the area; *Response: Not applicable.*
4. The development does not significantly alter existing natural landform; *Response: The project will minimize bluff disturbance and landform alteration and is designed to protect the bluff from further disturbance.*
5. The development complies with shoreline erosion and geologic setback requirements. *Response: As described above in "Zoning Ordinance/General Plan Consistency," the proposed project is consistent with City regulations regarding geology.*

STAFF RECOMMENDATION:

The project is consistent with the City's Zoning Ordinance and General Plan and the necessary findings for granting approval of the project can be made. Should the Planning Commission find that the Use Permit and Design Review/View Protection Findings can be made, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings and approve the project as submitted.